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Dec 29 03 02:29p



Telefax Transmittal Cover sheet



Intervet Inc. DEC 2 9 2003 405 State Street P.O. Box 318 Millsboro, DE 19966 (302) 934-8051



December 29, 2003

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	COMPANY/DEDT TO	FAX NUMBER:
PERSON TO:	COMPANY/DEPT TO:	
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Examiner S. Jiang

Group Art Unit 1617

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PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
PERSON FROM.		

Mark W. Milstead

Intervet, Millsboro

302 934 4305

Patent Department

RE: Petition to Revive

USSN 09/831954

Our Reference Number: O 98414 US

Please accept the documents that follow in the above-identified application:

Petition to Revive (4 pages)

Affidavit (3 pages)

Customer Number Assignments Copy (11 pages)

Cintervet

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN PROPRIETARY INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT). THANK YOU.

Intervet Inc.



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

BY: Katrie 1 -2

Date: 12/29/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: LOOZEN, H.J.J. et al

Serial No.:

09/831,954

Group:

1617

Filed:

June 25, 2001

Examiner: S. Jiang

For:

ESTROGENIC ESTRA-1,3,5(10)-TRIENES WITH

DIFFERENTIAL EFFECTS ON THE ALPHA AND BETA

ESTROGEN RECEPTORS, HAVING A LINEAR HYDROCARCBON CHAIN OF FROM 5-9 CARBON ATOMS AT POSITION 11

Petition to Revive an Otherwise Abandoned Application Under 37 CFR § 1.181(a)

Commissioner for Patents Alexandria, VA 22313 December 29, 2003

Sir:

In response to the telephone discussion with Examiner Jiang concerning the Office Action mailed April 9, 2003, Applicants respectfully submit the following evidence and remarks concerning the above-identified application.

Change of Address

Applicants attempted to change the address for correspondence concerning the instant application on October 24,



Attorney Docket NO. 0/98414 US

Applicants Request for Relief

Applicants respectfully requests that the Office Action mailed April 9, 2003 be resent and the statutory period for response be reset. Applicants respectfully request that the Examiner mail the Office Action to the proper address.

Applicants request the above actions by the USPTO because Applicants believe they have acted correctly and that the abandonment was not the fault of Applicants.

Patent Term Extension

Applicants respectfully request the recalculation of the patent term, when a patent is granted, in light of the delay due to the improper Notice of Abandonment. Applicants feel this delay begins on April 9, 2003 and ends when this petitions is granted and the Office Action is mailed to the correct address.

Attorney Docket NO. O/98414 US

2002. Applicants did this by a blanket change of address form submitted on a diskette. Attached is an affidavit by Katrina Mears, who is the Office Manager who submitted the blanket change of address. Therefore, Applicants respectfully submit that the address the USPTO should have mailed any correspondences to is Intervet Inc. 405 State Street, PO BOX 318 Millsboro, Delaware 19939.

Office Action/ Notice of Abandonment

Applicants filed a Request for Continued Examination on January 27, 2003. Having not received any response to the filed RCE, Applicants contacted Examiner Jiang December 5, 2003 to inquire about the status of the Application.

Examiner Jiang reported that an Office Action had been mailed April 9, 2003 and the Application should be abandoned due to a lack of response within the statutory six month time period.

Examiner noted that the Office Action was mailed to an address in Rockville, MD.

Applicants maintain good business practice, which includes opening our mail daily. Applicants' representatives in Millsboro, DE did not receive the Office Action. Applicants' representative first knowledge of the item discussed above was December 5, 2003 during the telephone conversation with Examiner Jiang.

Attorney Docket NO. 0/98414 US

p.5

Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2334 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly extension of time fees.

Respectfully submitted,

Matent Counsel

Registration No. 45,825

Attorney Docket NO. 0/98414 US

Akzo Nobel Pharma Patent Department 405 State Street P.O. Box 318

Millsboro, DE 19966 Tel: (302) 934-4395 Fax: (302) 934-4305

Affidavit by Katrina Mears Enclosure:

Intervet Inc.





DEC 2 9 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: LOOZEN, H.J.J. et al

Serial No.:

09/831,954

Group:

1617

Filed:

June 25, 2001

Examiner: S. Jiang

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ESTROGENIC ESTRA-1,3,5(10)-TRIENES WITH DIFFERENTIAL EFFECTS ON THE ALPHA AND BETA

ESTROGEN RECEPTORS, HAVING A LINEAR

HYDROCARCBON CHAIN OF FROM 5-9 CARBON ATOMS

AT POSITION 11

AFFIDAVIT CONCERNING CHANGE OF ADDRESS AND BUSINESS PRACTICE

Commissioner for Patents Alexandria, VA 22313 December 29, 2003

Sir:

- I, Katrina Mears, declare as follows:
- I am a Patent Department Administrator, presently employed by Intervet Inc. in Millsboro, DE.
- I receive and open the mail directed to the Patent Department at Intervet Inc. concerning patent applications assigned to Akzo Nobel, N.V.
- I am familiar with the contents of the patent application for which this declaration is submitted to the



US Patent Office.

On October 24, 2002 Applicants received confirmation of a blanket change of address submitted to the United States Patent and Trademark Office. A copy of which is included with this submission. The listing of Customer Number Assignments to Patents and Pending Applications contained a report of all addresses changed as well as a listing of applications with incomplete or incorrect information. Through a review of the information on the listing, it was determined that some of the applications that were identified as having errors still had address However, a later phone conversation changes completed. even Office determined that though the the with Correspondence Address, Practitioner of Record and Fee Address contained Yes indicators, these applications may not have had the addresses changed due to the incorrect or missing information. At that time, Applicants began a review of pending applications to both change the address and associate all pending applications with their customer number. During that time this application was identified as not being associated with our customer number and not having an address change completed. It was during that time Applicants noticed a response to the RCE filed January 27, 2003 had not been received. Applicants immediately

contacted the Examiner to determine the status of the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like punishable by fine or imprisonment, or both, under 17 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Katrina Mears



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